

Remarks

The Office Action mailed October 12, 2004 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1, 2, 5, and 8-19 are now pending in this application. Claims 1, 2, 5, and 8-19 stand rejected.

The rejection of Claims 1-2, 5, and 8-19 under 35 U.S.C. § 103(a) as being unpatentable over Jiang (U.S. Pat. No. 6,278,913) in view of Dahlberg (U.S. Pat. No. 6,463,439) is respectfully traversed.

Jiang describes an automated flight data management system that includes, a pilot log card that is installed on an aircraft, a ground station processing station, and a flight management center database that is also installed at a ground facility. Jiang also describes that after a flight is completed, a pilot removes the card from the aircraft, and the data stored on the card is downloaded to the ground station processing station. Relevant data or information is then uploaded to the flight management center database.

In addition, Jiang is said to teach the download of data recorded on a flight data recorder to a program database “retaining only recent data in a ground based computer system.” The Office admits that Jiang does not particularly teach “after a successful export, updating an external time file with the date and time of said successful export.”, but the Office asserts that Dahlberg discloses a method for incremental extraction of data from a database utilizing time stamps to indicate the time of the last full extract. However, Applicant respectfully submits that Jiang does not describe nor suggest retaining only recent data on a ground based computer system.

Dahlberg describes that a system wherein information that is downloaded to a database (60) is transferred to a master file (56). To reduce the time spent extracting data from the master database, only information that has changed since the last full extraction is extracted. More specifically, Dahlberg also describes that to improve application

performance, the incremental file (52) generated from the extracted data is loaded into a shared memory (150) that is independent of the master file.

Accordingly, Dahlberg does not describe "exporting said extracted data to said long term storage destination database...and after successful export, updating an external time file with the date and time of said successful export. Rather, in contrast to the present invention, Dahlberg describes exporting the extracted data to a shared memory that is independent of the master file to improve system performance.

Moreover, Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to modify Jiang according to the teachings of Dahlberg. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01. Accordingly, Applicant has not been provided with any reference which teaches downloading data recorded in a flight data recorder to a program database retaining only recent data in a ground-based computer system...extracting data from said program database ... exporting said extracted data to said long term storage destination database ..." Rather, Jiang describes that after a flight is completed, a pilot removes a data from the aircraft, and the data stored on the card is downloaded to the ground station processing station. Relevant data or information is then uploaded to the flight management center database, and Dahlberg describes that to improve application performance an incremental file generated from the extracted data is loaded into a shared memory that is independent of the master file. Accordingly, neither Jiang nor Dahlberg, alone or in combination, describe or suggest downloading data recorded in a flight data recorder to a program database retaining only recent data in a ground-based computer system...extracting data from said program database ... exporting said extracted data to said

long term storage destination database...after a successful export, updating an external file with the date and time of said successful export.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Specifically, Claim 1 recites a method of exporting data from an engine condition monitoring program database to a long term storage destination database, wherein the method includes "downloading data recorded in a flight data recorder to a program database retaining only recent data in a ground-based computer system having an engine monitoring program using said program database for storage and analysis...extracting data from said program database, wherein said data comprises engine configuration data, aircraft configuration data, engine input data, engine raw output data, engine smoothed output data, aircraft input data, aircraft raw output data, aircraft smoothed output data, alert data, initialization data and compressed data...exporting said extracted data to said long term storage destination database...and after a successful export, updating an external time file with the date and time of said successful export."

Although it is asserted within the Office Action that the motivation for combining Jiang with Dahlberg is that it would be obvious to a skilled artisan to combine Dahlberg and Jiang's teachings by adding the time stamps after a successful export as suggested by Dahlberg to Jiang's method in order to reduce the time and resources required for the next data extraction, because only changed and added data identified using the time stamps are exported. Applicant respectfully submits however, that neither Jiang nor Dahlberg describe or suggest downloading data recorded in a flight data recorder to a program database retaining only recent data in a ground-based computer system, extracting data from the program database, and exporting the extracted data to a long term storage destination database. Moreover, Applicant submits that it would not be obvious to combine Jiang and Dahlberg since Jiang describes extracting relevant data or information from a ground station computer which is then uploaded to a flight management center database, therefore it would not be obvious to export the extracted data described by Jiang to a shared memory that is independent of the flight management center database to improve system performance as described by Dahlberg. Moreover, neither Jiang nor Dahlberg describe that "after a successful export, updating an external file with the date and time of said successful export." For at least the reasons above, Applicant respectfully submit that Claim 1 is patentable over Jiang in view of Dahlberg.

Claim 2 depends directly from independent Claim 1. When the recitations of Claim 2 is considered in combination with the recitations of Claim 1, Applicants submit that Claim 2 is likewise patentable over Jiang in view of Dahlberg.

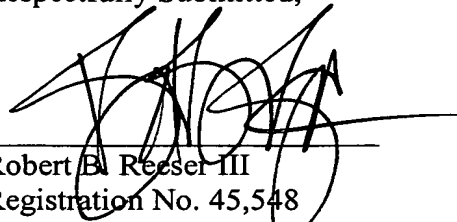
Claim 5 recites features similar to those described above as being patentable over Jiang in view of Dahlberg in Claim 1. For this reason, it is submitted that Claim 5 is likewise patentable over Jiang in view of Dahlberg.

Claims 8-19 depend directly or indirectly from independent Claim 5. When the recitations of Claims 8-19 are considered in combination with the recitations of Claim 5, Applicants submit that Claims 8-19 are likewise patentable over Jiang in view of Dahlberg.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-2, 5, and 8-19 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robert B. Reiser III', is written over a horizontal line.

Robert B. Reiser III
Registration No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070